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November 7, 2003

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 95-116

Dear Ms. Dortch:

On November 6, 2003, Walter B. McCormick, Jr., Tom Soroka and the undersigned, United States Telecom Association (USTA), met with Jessica Rosenworcel, Legal Advisor to Commissioner Michael J. Copps. The purpose of the meeting was to discuss local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's (CTIA) Petitions' for Declaratory Ruling (Petitions').¹

Consistent with its prior filings in this proceeding, USTA articulated its concerns in relation to CTIA's Petitions'. For the Federal Communications Commission (FCC) to permit wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas would impair the ability of incumbent local exchange carriers (ILECs) to rate toll calls. Requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Moreover, because of the geographic disparity between wireline and wireless carriers, consumers will be harmed by the lack of full competitive choice, due to the inability to port most numbers from wireless providers to wireline providers. Hence, we contend that the FCC cannot change the wireline porting boundary via a declaratory ruling proceeding, but rather must institute a rulemaking proceeding in conformance with the APA.

USTA does not oppose inter-modal local number portability under the current law. However, we believe that any change to the current law cannot occur unless the FCC fully considers the impacts of inter-modal number portability upon wireline carriers. A rulemaking proceeding would better enable the FCC to adequately examine the rate center issue, which will require the creation of a concrete record in order that cost, efficiency, administrative

¹ See Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, (filed May 13, 2003).

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simplicity, impacts on intrastate rate structures administered by state public service commissions and the competitive impacts that will result are taken into account.

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



Michael T. McMenamin
Associate Counsel

cc: Jessica Rosenworcel

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